



# ICRC

## **Nineteenth Meeting of the States Parties to the Anti-Personnel Mine Ban Convention The Hague, 15-19 November 2021**

### **International Committee of the Red Cross Statement on measures to ensure compliance**

Thank you, Mr. President.

The ICRC commends the Committee on Cooperative Compliance for its work over the past year, including addressing allegations of use of anti-personnel mines in violation of the Convention in the territory of two States Parties through dialogue and follow-up with the two concerned States Parties. The ICRC wishes to reiterate that any use of anti-personnel mines by any actor is unacceptable and must be clearly condemned. It is essential that States Parties investigate all credible allegations of use of anti-personnel mines in their territory, and take measures to prosecute and punish those responsible, as required under Article 9 of the Convention.

In this respect, Article 9 requires the adoption of legal, administrative or other measures at national level to implement the key obligations of the Convention, and legislation to impose penal sanctions for violations of the Convention's prohibitions under Article 1. Notably, Action#50 of the Oslo Action Plan set out a time-bound commitment for all States Parties to comply with Article 9 of the Convention no later than by the twentieth Meeting of the States Parties next year. However, as Mr President has pointed out, more than 50 States Parties have yet to take the required domestic measures to fully implement the Convention.

The ICRC stands ready to continue supporting States in developing their national implementing legislation. The ICRC has developed various tools to assist States in the development of their national implementing legislation, including a model law, a user-friendly checklist, factsheets and an updated national IHL implementation database. This year we have conducted a mapping of national legislation to implement the Convention's Article 9 and victim assistance obligations, in order to identify good practices from various legal traditions and parts

of the world. The ICRC would be happy to share these good practices with States who wish to adopt national legislation or amend their existing ones.

Furthermore, we continue to promote the domestic implementation of this Convention through bilateral discussions as well as national and regional IHL trainings and events. The ICRC was pleased to provide support to and help facilitate the participation of States in the national implementation workshops organized by the Committee on Cooperative Compliance and the ISU earlier this year. We continue to work with National IHL Committees to place this Convention and its implementation on their plans of action. For example, at the end of this month, the ICRC will organize a universal meeting for National IHL Committees, during which a full day will be dedicated to promoting weapons treaties and their implementation, and facilitating exchange of best practices among States.

Finally, Mr. President, we wish to take this opportunity to highlight a few additional compliance issues that are of concern:

With regard to Article 5 obligations on mine clearance and risk education, we note that Eritrea is in non-compliance with Article 5(3) of the Convention since it did not request an extension after its clearance deadline was due by December 2020. We appreciate all the efforts made by the President, the Committee on Article 5 Implementation, other States and the ISU to facilitate compliance by Eritrea with its obligations under the Convention. We urge Eritrea to take actions to rectify the situation. As was pointed out by several States, this matter concerns the integrity of the Convention and should be duly addressed at this Meeting.

With regard to Article 4 obligations on stockpile destruction, we congratulate Sri Lanka on the completion of the stockpile destruction obligation ahead of its Convention deadline in August this year. We however also noted with concern that very limited progress has made in the past year by the two States Parties (Greece and Ukraine) that have not met the requirement to destroy their anti-personal mine stockpiles within treaty deadlines. It is imperative that these two States present a time-bound plan for completion of stockpile destruction and urgently proceed with implementation as soon as possible in a transparent manner, as required by Action #14 of the Oslo Action Plan.

With regard to the retention of mines for permitted purposes under Article 3(1), there are concerns about the amount of mines retained for training purposes in some States Parties, which seems to be excessive to the minimum number absolutely necessary for those purposes, while several States that retain mines have not submitted annual updates on this

matter for many years and several others have reported the same number for years. We call on these States Parties to clarify the numbers of retained mines without delay, annually review these numbers, and explore alternatives to using live mines for training and other permitted purposes.

With regard to Article 7 obligations on transparency measures, several States Parties with outstanding obligations under Articles 3, 4 and 5 are overdue for reporting on the progress in implementing these obligations, some for two or more consecutive years. In this regard, we wish to point out that new measures notably in Actions #48 and #49 of the Oslo Action Plan have been made available for States Parties to tackle with these compliance issues and help improve the transparency of the Convention's implementation.

Thank you.